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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,160	12/15/2003	Jung-Hoe Kim	1901.1344	2075
21171 7590 04/29/2011 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER VO, HUYEN X				
ART UNIT 2626		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,160

Applicant(s)

KIM ET AL.

Examiner

HUYEN X. VO

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-13,15-30,32-34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-13,15-30,32-34,36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments have been fully considered but they are not persuasive. Although Sluijter et al. fail to explicitly disclose a multiplexor/demultiplexor multiplexing/demultiplexing or combining/separating the encoded bandwidth-limited data and the bandwidth extension information. However, the transmitter in figures 1-2 and receiver in figures 1 and 3 show the low band signal being combined with the upper band signal (*figures 1-2*) and the low band signal being separated from the high band signal (*figures 1 and 3*). Furthermore, transmission systems inherently include multiplexors and demultiplexors for combining outgoing signals and separating incoming signals, respectively. Therefore, examiner maintains previous grounds of rejections.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-6, 8-13, 15-28, 20-21, 23-26, 28-30, 32-34, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluijter et al. (USPN 6772114) in view of Park et al. (USPN 6349284).

4. Regarding claims 1 and 6, Sluijter et al. disclose a method of encoding digital data the method comprising:

bandwidth-extension-encoding the digital data (*input signal in figure 1*), outputting bandwidth-limited data (*splitter 7 in figure 1 divides the digital data into low-band and high-band data*), and generating bandwidth extension information (*output of splitter 7; high-band data*), wherein the bandwidth-extension-encoding includes receiving the digital data (*figures 1-2*) and slicing off a portion of the digital data in a high frequency band with a remaining portion of the digital data being the bandwidth-limited data (*figures 1-2; signal is divided into low-frequency band and high-frequency band*), and wherein the bandwidth extension information is information necessary for restoring the sliced portion of the digital data (*figures 1-2; information of the high-frequency band is transmitted to the receiver for later used to reconstruct high-frequency band*); and

multiplexing the encoded bandwidth-limited data and the bandwidth extension information (*output of figures 1-2 and/or col. 6, lines 20-43*).

Sluijter et al. fail to specifically disclose encoding the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer wherein the encoding comprises, encoding side information corresponding to the base layer, bit-sliced-encoding a plurality of quantization samples corresponding to the base layer, and repeating the encoding and bit-slice-encoding for a next enhancement layer until a plurality of predetermined layers are completely encoded. However, Park et al. teach encoding the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer (*figure 3 and/or col. 6, lines 20-43*) wherein

the encoding comprises, encoding side information corresponding to the base layer (*figure 3 and/or col. 6, lines 20-43*), bit-sliced-encoding a plurality of quantization samples corresponding to the base layer (*figure 3 and/or col. 6, lines 20-43*), and repeating the encoding of the side information and bit-slice-encoding for a next enhancement layer until a plurality of predetermined layers are completely encoded (*figure 3 and/or col. 6, lines 20-43*).

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by substituting its encoder with encoder of Park et al. to yield predictable coded results.

5. Regarding claims 3 and 8, Park et al. disclose a method of encoding digital data the method comprising:

bandwidth-extension-encoding the digital data (*input signal in figure 1*), outputting bandwidth-limited data (*splitter 7 in figure 1 divides the digital data into low-band and high-band data*), and generating bandwidth extension information (*output of splitter 7; high-band data*), wherein the bandwidth-extension-encoding includes receiving the digital data (*figures 1-2*) and slicing off a portion of the digital data in a high frequency band with a remaining portion of the digital data being the bandwidth-limited data (*figures 1-2; signal is divided into low-frequency band and high-frequency band*), and wherein the bandwidth extension information is information necessary for restoring the

sliced portion of the digital data (*figures 1-2; information of the high-frequency band is transmitted to the receiver for later used to reconstruct high-frequency band*); and

multiplexing the encoding bandwidth-limited data and the bandwidth extension information (*output of figure 2 and/or col. 6, lines 20-43*).

Sluijter et al. fail to specifically disclose encoding the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer wherein the encoding comprises: encoding side information containing scale factor information and coding model information corresponding to the base layer; bit-sliced-encoding a plurality of quantization samples corresponding to the base layer with reference to the coding model information; and repeating the encoding and bit-sliced-encoding for a next enhancement layer until a plurality of predetermined layers are completely coded. However, Park et al. teach encoding the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer (*figure 3 and/or col. 6, lines 20-43*) wherein the encoding comprises: encoding side information containing scale factor information and coding model information corresponding to the base layer (*figure 3 and/or col. 6, lines 20-43*) (*figure 3 and/or col. 6, lines 20-43*); bit-sliced-encoding a plurality of quantization samples corresponding to the base layer with reference to the coding model information (*figure 3 and/or col. 6, lines 20-43*); and repeating the encoding and bit-sliced-encoding for a next enhancement layer until a plurality of predetermined layers are completely coded (*figure 3 and/or col. 6, lines 20-43*).

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by substituting its encoder with encoder of Park et al. to yield predictable coded results.

6. Regarding claims 4 and 9, Sluijter et al. fail to specifically disclose wherein the encoded bandwidth-limited data and the bandwidth extension information is multiplexed in such an order that a portion of the encoded bandwidth-limited data corresponding to the base layer is located, the bandwidth extension information is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located. However, Park et al. teach wherein the encoded bandwidth-limited data and the bandwidth extension information is multiplexed in such an order that a portion of the encoded bandwidth-limited data corresponding to the base layer is located, the bandwidth extension information is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located (*figure 3*).

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by incorporating the teaching of Park et al. in order to enable the decoder to properly recover the data to reconstruct the audio signal.

7. Regarding claims 5 and 10, Sluijter et al. fail to specifically disclose wherein the encoded bandwidth-limited data and the bandwidth extension information is multiplexed in such an order that the bandwidth extension information is located, a portion of the encoded bandwidth-limited data corresponding to the base layer is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located. However, Park et al. teach wherein the encoded bandwidth-limited data and the bandwidth extension information is multiplexed in such an order that the bandwidth extension information is located, a portion of the encoded bandwidth-limited data corresponding to the base layer is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located (*figure 3*).

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by incorporating the teaching of Park et al. in order to enable the decoder to properly recover the data to reconstruct the audio signal.

8. Regarding claims 11-13, 15-18, and 20, Sluijter et al. disclose a decoding method/apparatus (*receiver 5 in figure 1*). Park et al. also teach a decoding method/apparatus (*figure 4*). Since decoding operation is merely a reverse or complimentary operation of the encoding method/apparatus, it would have been obvious to one of ordinary skill in the art at the time of invention to readily modify the decoder of Sluijter et al. and Parker et al. to decode the encoded signal.

9. Regarding claims 21 and 26, Sluijter et al. disclose an apparatus for encoding digital data, the apparatus comprising:

a bandwidth extension encoder that bandwidth-extension-encodes the digital data (*input signal in figure 1*), outputs bandwidth-limited data, and generates bandwidth extension information (*splitter 7 in figure 1 divides the digital data into low-band and high-band data*), wherein the bandwidth-extension-encoding includes receiving the digital data (*figures 1-2*) and slicing off a portion of the digital data in a high frequency band with the remaining portion of the digital data being the bandwidth-limited data (*figures 1-2; signal is divided into low-frequency band and high-frequency band*), and wherein the bandwidth extension information is information necessary for restoring the sliced portion of the digital data (*figures 1-2; information of the high-frequency band is transmitted to the receiver for later used to reconstruct high-frequency band*); and

a multiplexer that multiplexes the encoded bandwidth-limited data and the bandwidth extension information (*output of figure 2 and/or col. 6, lines 20-43*).

Sluijter et al. fail to specifically disclose a fine grain scalability encoder that encodes the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer wherein the fine grain scalability encoder encodes side information corresponding to the base layer, bit-sliced-encodes a plurality of quantization samples corresponding to the base layer, and encodes side information and bit-sliced-encodes a plurality of quantization samples corresponding to a next enhancement layer until a plurality of predetermined layers are completely encoded.

However, Park et al. teach a fine grain scalability encoder that encodes the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer (*figure 3 and/or col. 6, lines 20-43*) wherein the fine grain scalability encoder encodes side information corresponding to the base layer (*figure 3 and/or col. 6, lines 20-43*), bit-sliced-encodes a plurality of quantization samples corresponding to the base layer (*figure 3 and/or col. 6, lines 20-43*), and encodes side information and bit-sliced-encodes a plurality of quantization samples corresponding to a next enhancement layer until a plurality of predetermined layers are completely encoded (*figure 3 and/or col. 6, lines 20-43*).

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by substituting its encoder with encoder of Park et al. to yield predictable coded results.

10. Regarding claims 23 and 28, Sluijter et al. disclose an apparatus for encoding digital data, the apparatus comprising:

a bandwidth extension encoder that bandwidth-extension-encodes the digital data (*input signal in figure 1*), outputs bandwidth-limited data, and generates bandwidth extension information (*splitter 7 in figure 1 divides the digital data into low-band and high-band data*), wherein the bandwidth-extension-encoding includes receiving the digital data (*figures 1-2*) and slicing off a portion of the digital data in a high frequency band with the remaining portion of the digital data being the bandwidth-limited data

(*figures 1-2; signal is divided into low-frequency band and high-frequency band*), and wherein the bandwidth extension information is information necessary for restoring the sliced portion of the digital data (*figures 1-2; information of the high-frequency band is transmitted to the receiver for later used to reconstruct high-frequency band*); and

a multiplexer that multiplexes the encoded bandwidth-limited data and the bandwidth extension information, wherein the digital data in the high frequency band is not included in the bandwidth extension information (*output of figure 2 and/or col. 6, lines 20-43*).

Sluijter et al. fail to specifically disclose a fine grain scalability encoder that encodes the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer wherein the fine grain scalability encoder encodes side information containing scale factor information and coding model information corresponding to the base layer, bit-sliced-encodes a plurality of quantization samples corresponding to the base layer with reference to the coding model information, and encodes side information containing scale factor information and coding model information and bit-sliced-encodes a plurality of quantization samples corresponding to the next enhancement layer until plurality of predetermined layers are completely encoded. However, Park et al. teach a fine grain scalability encoder that encodes the bandwidth-limited data into a hierarchical structure having a base layer and at least one enhancement layer (*figure 3 and/or col. 6, lines 20-43*) wherein the fine grain scalability encoder encodes side information containing scale factor information and coding model information corresponding to the base layer (*figure 3 and/or col. 6, lines 20-43*), bit-

sliced-encodes a plurality of quantization samples corresponding to the base layer with reference to the coding model information (*figure 3 and/or col. 6, lines 20-43*), and encodes side information containing scale factor information and coding model information (*figure 3 and/or col. 6, lines 20-43*) and bit-sliced-encodes a plurality of quantization samples corresponding to the next enhancement layer until plurality of predetermined layers are completely encoded (*figure 3 and/or col. 6, lines 20-43*); and

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by substituting its encoder with encoder of Park et al. to yield predictable coded results.

11. Regarding claims 24 and 28, Sluijter et al. fail to specifically disclose wherein the multiplexer multiplexes the encoded bandwidth-limited data and the bandwidth extension information in such an order that a portion of the encoded bandwidth-limited data corresponding to the base layer is located, the bandwidth extension information is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located. However, Park et al. teach wherein the multiplexer multiplexes the encoded bandwidth-limited data and the bandwidth extension information is multiplexed in such an order that a portion of the encoded bandwidth-limited data corresponding to the base layer is located, the bandwidth extension information is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located (*figure 3*).

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by incorporating the teaching of Park et al. in order to enable the decoder to properly recover the data to reconstruct the audio signal.

12. Regarding claims 25 and 29, Sluijter et al. fail to specifically disclose wherein the multiplexer multiplexes the encoded bandwidth-limited data and the bandwidth extension information is multiplexed in such an order that the bandwidth extension information is located, a portion of the encoded bandwidth-limited data corresponding to the base layer is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located. However, Park et al. teach wherein the multiplexer multiplexes the encoded bandwidth-limited data and the bandwidth extension information is multiplexed in such an order that the bandwidth extension information is located, a portion of the encoded bandwidth-limited data corresponding to the base layer is located, and portions of the bandwidth-limited data corresponding to the remaining enhancement layers are located (*figure 3*).

Since Sluijter et al. and Park et al. are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sluijter et al. by incorporating the teaching of Park et al. in order to enable the decoder to properly recover the data to reconstruct the audio signal.

13. Regarding claims 30, 32-34, and 36-37, Sluijter et al. disclose a decoding method/apparatus (*receiver 5 in figure 1*). Park et al. also teach a decoding method/apparatus (*figure 4*). Since decoding operation is merely a reverse or complimentary operation of the encoding operation, it would have been obvious to one of ordinary skill in the art at the time of invention to readily modify the decoder of Sluijter et al. and Parker et al. to decode the encoded signal.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN X. VO whose telephone number is (571)272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wozniak can be reached on 571-272-7632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huyen X Vo/
Primary Examiner, Art Unit 2626

4/27/2011
